

REMARKS/ARGUMENTS

1. After entry of this paper, claims 7-22 are pending.

Reconsideration of this application is respectfully requested.

2. Claims 7-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,748,262 to Boie.

Claims 7-22 contain subject matter which is not taught or suggest by Boie. Specifically, Boie does not teach or suggest a first filter that processes "an intermediate-frequency signal into an output signal comprising a selected channel and residues of upper and lower adjacent channels," as recited in claims 7-12. Boie does not teach or suggest "filtering an intermediate-frequency signal with a first filter to provide a filtered intermediate-frequency signal comprising a selected channel and residues of upper and lower adjacent channels," as recited in claims 13-20. And, Boie does not teach or suggest a first filter that provides a filtered intermediate-frequency signal comprising "a selected channel and residues of upper and lower adjacent channels," as called for in claims 21 and 22.

The Examiner admits that the first filter of Boie (filter 7) completely filters out the upper adjacent channel and thus, does not allow a residue of the upper adjacent channel to pass through to the mixer. Indeed, Boie teaches in column 4, lines 46-53 and FIG. 3C that the signal at the output of filter 7 (first filter) includes the desired signal 3 S_{if}^N and a part 9 of only the lower adjacent signal S_{if}^{N-1} .

"However, the signal at the output of the filter 7 includes not only the desired signal S_{if}^N but also a signal corresponding to the lower adjacent channel S_{if}^{N-1} , since the bandwidth K of the filter 7 is, for most standards, greater than the width L of the band 3.

The signal at the output of the filter 7 is represented in FIG. 3C; it includes the desired signal 3 (S_{if}^N) and a part 9 of the lower adjacent signal S_{if}^{N-1} ."

Hence, the signal at the output of filter 7 of Boie does not include any portion of the upper adjacent signal S_{if}^{N+1} .

The Examiner, however, contends that the differences between the claims and the teachings of Boie are “an obvious matter of design choice . . . since applicant has not disclosed allowing the output of the residues of both the upper and lower adjacent channels from first filter solves any stated problem or has a particular advantage”

It is respectfully submitted that the Examiner’s conclusion of obviousness is inconsistent with the court’s holding in KSR International Co. v Teleflex Inc. et al., 127 S. Ct. 1727. The court in KSR held that the Examiner must put reasons for obviousness into writing. “To facilitate review, this analysis should be made explicit. Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness.” KSR, 127 S. Ct. at 1741.

The Examiner’s rejection does not provide any reason, rationale, or motivation for modifying the first filter in Boie to produce a signal at the output thereof that includes residues of both the lower and upper adjacent channels. The Examiner merely concludes that the subject matter of the claims is obviousness because “it is notoriously well known in the art of broadcast television to utilize at least two filters (one before and one after the mixer stage), so that the residues of the upper and lower adjacent channels are attenuated . . . since applicant has not disclosed allowing the output of the residues of both the upper and lower adjacent channels from first filter solves any stated problem or has a particular advantage” This statement does not provide any reason why one of ordinary skill in the art, at the time of invention, would modify the first filter in Boie to produce a signal at the output thereof that includes residues of both the lower and upper adjacent channels.

In addition, the specification of the present application on, for example, pages 4, 5, and 8, does in fact describe the advantages of the claimed invention (e.g., allows the use of a universal intermediate frequency filter). The Applicant’s response filed on April 9, 2007 and incorporated herein by reference, also described these advantages.

Further, the Examiner’s contention that Boie describes an oscillator that provides an oscillator-signal (u) lying in a range of the lower adjacent channel, as called for in claims 7-20, is without merit. Boie merely states in column 4, line 66 through column 5, line 5, “[t]he mixer circuit 10 includes a multiplier circuit 11 receiving on an input the output signals from the filter 7 and of which another input is fed by a local oscillator 12 at

a fixed frequency f_{Lo} . The frequency of the oscillator 12 can be modified by means of a voltage U applied to the oscillator 12, in order to adapt the fixed frequency f_{Lo} to the TV standard concerned." Thus, Boie does not teach or suggest the oscillator-signal recited in claims 7-20.

In view of the foregoing, claims 7-22 are allowable over Boie. Accordingly, withdrawal of this rejection is respectfully urged.

3. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 7-22 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact the undersigned attorney at his number listed below.

4. The Director is hereby authorized to charge the fee for the petition for the one (1) month extension of time and any underpayment of fees, or credit any overpayments, to Deposit Account No. 04-1679.

Respectfully submitted,

Dated: February 4, 2008

/Paul A. Schwarz/
Paul A. Schwarz
Registration No. 37,577

Duane Morris LLP
P.O. Box 5203
Princeton, NJ 08543-5203
609-631-2446 – Tel
609-631-2401 – Fax